

**ORIGINAL**FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAIIJAN 20 2006 *ay*at 2 o'clock and 00 min M  
SUE BEITIA, CLERK

## Of Counsel:

FUKUNAGA MATAYOSHI HERSEY &amp; CHING, LLP

WESLEY H. H. CHING 2896  
 SHEREE KON-HERRERA 6927  
 841 Bishop Street, Suite 1200  
 Honolulu, Hawai'i 96813  
 Telephone: (808) 533-4300  
 Facsimile: (808) 531-7585

Attorneys for Plaintiff GERLING  
 AMERICA INSURANCE COMPANY

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

GERLING AMERICA INSURANCE )	CIVIL NO. 04-00642 (ACK) (KSC)
COMPANY, )	(Declaratory Judgment)
) )	)
Plaintiff, )	CERTIFICATE OF SERVICE
) )	[STIPULATION FOR DISMISSAL
vs. )	WITH PREJUDICE OF ALL CLAIMS
) )	AND ALL PARTIES AND ORDER]
NAURU PHOSPHATE ROYALTIES)	
DEVELOPMENT (HONOLULU), )	
INC., a Delaware corporation; )	
NAURU PHOSPHATE ROYALTIES)	
(HONOLULU), INC., a Delaware )	
corporation, DILLINGHAM )	
CONSTRUCTION PACIFIC, LTD. )	
doing business as HAWAIIAN )	Trial Date: January 24, 2006
DREDGING CONSTRUCTION )	Judge: The Honorable Alan C. Kay
COMPANY, a Hawaii corporation, )	
) )	
Defendants. )	
) )	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES AND ORDER, filed on January 13, 2006, was duly served upon the following parties by hand-delivery, facsimile transmission, and/or mail, by depositing same at the United States Post Office, postage prepaid, to their last known addresses on January 20, 2006.

	<u>U.S. Mail</u>	<u>Hand-Delivery</u>
JOHN Y. YAMANO Five Waterfront Plaza, 4th Floor 500 Ala Moana Boulevard Honolulu, Hawaii 96813		X

Attorney for Defendants NAURU PHOSPHATE ROYALTIES DEVELOPMENT (HONOLULU), INC. and NAURU PHOSPHATE ROYALTIES (HONOLULU), INC.

Dillingham Construction Pacific, Ltd. - Legal Department  
1020 Supertine Lane, Suite No. 110  
Pleasanton, California 94566

---

DATED: Honolulu, Hawaii, January 20, 2006.

  
\_\_\_\_\_  
WESLEY H. H. CHING  
SHEREE KON-HERRERA  
Attorneys for Plaintiff GERLING  
AMERICA INSURANCE COMPANY